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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,477	07/26/2001	Peter Kofink	3826 701	5126
7590	04/04/2005			EXAMINER
Dreiss, Fuhlendorf, Steimle & Becker Postfach 10 37 62 Stuttgart, D-70032 GERMANY				COHEN, AMY R
			ART UNIT	PAPER NUMBER
				2859

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/912,477	KOFINK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Amy R. Cohen	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on RCE 12/12/03; Petition Decision 3/16/05.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 16, 18, 19 and 21-27 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 16, 18, 19 and 21-27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 December 2002 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### *Claim Objections*

1. Claims 16- are objected to because of the following informalities:

The After Final Amendment dated May 9, 2003, which was entered on March 16, 2005 upon the granting of the Petition, includes changes made to claim 16 and the canceling of claims 17 and 20. This amendment, however, was noncompliant since a complete listing of the claims with their identifiers was not present. For purposes of prosecution, Examiner will treat the amendment as compliant with the changes to claim 16 and the canceling of claims 17 and 20. Applicant is reminded in the response to this office action to include a complete listing of the claims with their identifiers.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 16, 18, 19, 21-23, 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Peter et al. (U. S. Patent No. 6,226,569).

Peter et al. teaches a steering column module (Fig. 1) for vehicles having a steering wheel (1) cooperating with a steering column (9), wherein a stationary tubular jacket (7) bears the steering column for rotation within that tubular jacket (Col 5, lines 1216), the steering column

module comprising: a first switch member mounted to the tubular jacket (Col 5, lines 17-27); a rotatable signal case component (15) cooperating with the steering column for secure mutual rotation therewith (Col 5, lines 28-34); a code disc (47, 49, 51) cooperating with said rotatable signal case component for secure rotation therewith; a stationary steering angle (11, 19) module mounted to said first switch member; and a steering angle sensor (55) cooperating with said steering angle module and communicating with said code disc to measure a steering angle of the steering column (Col 6, lines 25-55), wherein said code disc is disposed proximate to a bearing of the steering column in the tubular jacket to improve an accuracy in said steering angle measurement (Col 5, lines 8-57).

Peter et al. teaches the steering column module wherein said rotatable case component comprises a projection (39), extending in a first direction (Fig. 1) substantially parallel to a longitudinal extension of the steering column, which engages an associated recess (Fig. 2, not labeled), extending in a second direction substantially transverse to said extension of said steering column, in said code disc (Figs. 1 and 2 and Col 5, line 58-Col 6, line 16).

Peter et al. teaches the steering column module wherein said steering angle module comprises a carrier within which said code disc is radially secured and rotatably disposed (Figs. 1 and 2 and Col 6, lines 25-47).

Peter et al. teaches the steering column module wherein said steering angle module comprises a bearing piece (33) having a bearing ring (49) in which said code disc is disposed (Fig. 2 and Col 6, lines 38-40).

Peter et al. teaches the steering column module wherein said steering angle module comprises a carrier bearing a scanning device for scanning said code disc (Col 6, lines 41-55).

Peter et al. teaches the steering column module wherein said code disc has rotary angle encoding disposed on an end face thereof (Col 6, lines 41-67).

Peter et al. teaches the steering column module wherein said code disc has rotary angle encoding disposed on an outer surface thereof (Col 6, lines 41-67).

Peter et al. teaches the steering column module comprising at least one additional switch member mounted to said first switch member in a modular manner (Col 5, lines 17-27, wherein the "steering column switch" comprises the first switch and the "ignition lock and similar" comprise the at least one additional switch member).

Peter et al. teaches the steering column module comprising evaluation electronics mounted in said steering angle module to communicate with said steering angle sensor (Col 5, lines 28-44 and Col 6, lines 41-55).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peter et al. in view of Oshita et al. (U. S. Patent No. 5,065,324).

Peter et al. discloses the steering column module as described above in paragraph 3.

Peter et al. does not disclose the steering column module wherein said code disc has holes constituting rotary angle encoding.

Oshita et al. discloses a steering column module wherein said code disc (1) has holes (2) constituting rotary angle encoding (Col 3, lines 1-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the code disc of Peter et al. to have holes, as taught by Oshita et al., since Peter et al. discloses that other coding and detectors such as optical coding detectors may be used (Peter et al., Col 6, lines 48-55) and since Oshita et al. discloses optical coding and detectors constituting rotary angle encoding (Oshita et al., Col 3, lines 1-23).

***Response to Arguments***

6. Applicant's arguments with respect to claims 16, 18, 19, 21-27 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose steering devices Luthi et al. (U. S. Patent No. 5,802,221), Uchiyama et al. (U. S. Patent No. 5,780,796), and Findley et al. (U. S. Patent No. 4,481,838).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R. Cohen whose telephone number is (571) 272-2238. The examiner can normally be reached on 8 am - 5 pm, M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARC  
March 31, 2005



Christopher Fulton  
Primary Examiner  
Tech Center 2800